

Snell & Wilmer
 L.L.P.
 LAW OFFICES

15 West South Temple
 Suite 1200
 Gateway Tower West
 Salt Lake City, UT 84101
 801.257.1900
 801.257.1800 (Fax)
 www.swlaw.com

Denise A. Dragoo
ddragoo@swlaw.com
 (801) 257-1998

OK Incoming
 C/025/0005
 cc: Dason

DENVER

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June 9, 2008

Via E-Mail and Hand Delivery

John R. Baza, Director
 Utah Division of Oil, Gas and Mining
 1594 West North Temple
 Salt Lake City, Utah 84114

RE: Informal Conference – Coal Hollow Mine, C/025/0005

Dear Director Baza:

On behalf of Alton Coal Development, LLC (“**Alton Coal**”), we appreciate the opportunity to suggest a procedure for addressing the requirements of Utah Code Ann. § 40-10-14(1). This provision requires that a decision on Alton Coal’s mine permit application No. C/025/0005 be issued by the Utah Division of Oil, Gas and Mining (“**Division**”) within 60 days of the informal conference. We understand that the Division will hold an informal conference on this matter on Monday, June 16, 2008. Consistent with Utah Code Ann. § 40-10-14(1), and past informal conferences held by the Division, the 60-day time limit does not commence until the Division issues a decision regarding the informal conference. Therefore, we recommend that the Division take the following steps to address the 60-day deadline:

1. Close the administrative record by a date certain, shortly after the informal conference and public hearing, i.e., by Friday, June 20, 2008;
2. Prior to issuing the decision on the informal conference, the Division should review the application for the permit, written comments and objections to the permit which it timely received and the transcript of the informal conference and public road relocation hearing. The Division should then issue a written decision regarding the informal conference in conjunction with its Technical Analysis of the permit. The Division’s decision regarding the informal conference would include findings of fact, conclusions of law and an order and would start the 60-day “clock” pursuant to Utah Code Ann. § 40-10-14(1).

We believe that this approach will allow the applicant adequate time within the 60-day period following issuance of a decision on the informal conference to respond to the Technical

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Analysis and will enable the Division to review the applicant's response and issue a final decision on the permit application, consistent with Utah Code Ann. § 40-10-14(1).

Please let us know if you have further questions regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be "DAD", with a horizontal line extending to the right.

Denise A. Dragoo

DAD:jmc

cc: Chris McCourt (via e-mail)
Dana Dean (via e-mail)
Steve Alder, Esq. (via e-mail)